

Interactive CallBrand^(TM)

Bridging the Gap Between Telecom & Marketing

160 East 26th Street, PH6E
New York, NY 10010
(phone) 212 684-7210
(fax) 212 684-2714
(email) Producer@pipeline.com

November 14, 1995

DOCKET FILE COPY ORIGINAL

RECEIVED
NOV 20 1995
FCC MAIL ROOM

Mr. William Caton
Office of the Secretary
Federal Communications Commission
1919 M Street NW
Washington, DC 20554

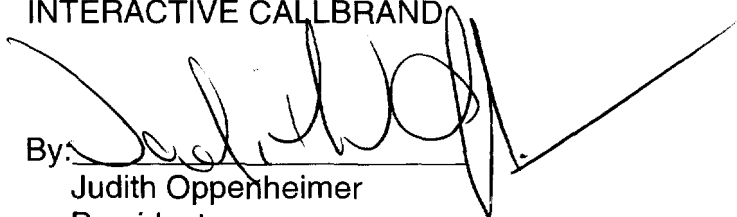
Re: Matter of Toll-Free Service Access Codes
CC Docket No. 95-155

Dear Mr. Caton:

We enclose nine copies of our Response in the above referenced proceeding.

Very truly yours,

INTERACTIVE CALLBRAND

By: 
Judith Oppenheimer
President

No. of Copies rec'd 0+8
List ABCDE

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of
Toll Free Service Access Codes

)
)

CC Docket No. 95-155

RECEIVED
NOV 20 1995
FCC MAIL ROOM

RESPONSE OF INTERACTIVE CALLBRAND

Interactive CallBrand, a small telecommunications consulting firm in New York, submits this response on behalf of itself and similarly situated small businesses, users whose revenues are dependant on toll-free numbers.

I. THE PUBLIC RESOURCE ARGUMENT DOES NOT PRECLUDE THE RECOGNITION OF LEGITIMATE USER INTERESTS.

There is only one thing wrong with the Public Resource argument, as set forth in the NANP. It isn't that it's a bad policy, not at all. It's an admirable policy, a policy that was a model for it's time. There is, as we said, only one thing wrong with it.

It's built on a misstatement of fact.

That is, a statement of fact which was true at the time but that is no longer true, today. The statement is: All telephone numbers are the same.

The North American Numbering Plan is an elegant creature, which became, not only the model, but the standard, throughout the world. Many of the people commenting in this proceeding are people who were present at the inception of the plan, in every sense of the word, and presided over its growth.

Those who were part of developing it have every right to be proud of what they have done.

But let us be frank. Where there is pride, there is always the desire to protect; to keep this elegant creature free from outside interference and, especially from the dreaded forces of commercialization.

Is there anyone reading this document who seriously doubts the ability of ICB or anybody else, given a reasonable fact finding process, to demonstrate beyond any existing burden of proof, that , in commercial reality, there is no business application imaginable in which all numbers are the same?

II. THE GROWING IMPORTANCE OF LEGITIMATE USER INTERESTS

Worse yet, this is the issue that is not going to go away. Not only is it not going to go away, there are irresistible forces driving it as we speak.

The first is the growth of telecommunications itself.

The more numbers a consumer dials, the more different telephones he uses, the more services of which he takes advantage, the more he depends on numbers he can remember. He doesn't know he's twisting the numbering plan into something it wasn't designed to do. He thinks he's functioning efficiently.

The second is the popularity and versatility of vanity number-like applications. You can't sell things or raise money or run for office - or even get tried for murder - without a toll free number. The quicker it's going to go by on the TV screen, the more competitors it has for attention, the more it needs to be the one remembered the next morning. Do you think this is going to change?

How successful, generally, are democracies in reversing behavior that makes life easier, is cheap, harmless and healthy and thrills the marketing Vice President of every organization in the world?

Finally, there's portability. Location/geographic portability snips the last wire linking the subscriber's number to the numbering plan. The customer is left holding in his hand, guess what, his very own telephone number that he can take with him wherever he goes his whole life. I-XXX-JohnDoe.

Are you going to stop portability?

III. IT IS AN ISSUE WHICH SHOULD NOT BE ADDRESSED, PREMATURELY, IN THIS PROCEEDING WHICH IS LIMITED TO THE ISSUE OF REPLICATION

Complicated and fraught with peril as this issue is, obviously what is needed is careful thought and sober consideration. The most harmful thing this forum could do to users would be to make any premature pronouncements one way or another.

We have a business that is dependant on that telephone number. When you tell us you're going to make changes that effect it, we get nervous.

Moreover, the whole point of this whole enterprise is to encourage us to take this number and use it as creatively and productively as possible. Are we not correct that is what you want? Well, you can't have it both ways. You can't say, on the one hand, invest in this. And then, on the other, say as publicly as possible, that this number is so ephemeral and absolutely beyond your control that your accountant says you'd have to be an idiot to rely on it. Not only your accountant, your lawyer will help him double team you. Is this what you want? It would be like trying to get pregnant women to smoke cigarettes.

The point is that the only thing at issue here is replication. This is not about the question of whether or not anybody owns anything. Nobody yet knows the answer to that question and it certainly won't, finally, be settled by this proceeding.

Accordingly, it would be inappropriate for this proceeding to address the issue.

POSITIONS

1. This rulemaking is not addressing the issue of whether or not anybody owns anything and should explicitly so state.
2. Replication is entirely appropriate as an accommodation to the legitimate interests of users.
3. As replication is an accommodation to users, it is users which should have the ability to initiate and confirm the process, not the RespOrgs.